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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 JUNE NEWTON,
12 Plaintiff,
13 v.
14 NORMON SOLOMON, et al.,
15 Defendants.

Case No. CV 11-02350-ODW (VBKx)

**ORDER GRANTING PLAINTIFF'S
MOTION TO SUBSTITUTE REAL
PARTY IN INTEREST [43]**

16 Plaintiff June Newton's Motion to Substitute Real Party in Interest the Helmut
17 Newton Foundation as Plaintiff is pending before the Court. (Dkt. No. 43.)
18 Defendants oppose Newton's Motion largely on grounds that substituting the
19 Foundation as Plaintiff would pose substantial difficulties to Defendants' ability to
20 depose Newton, a percipient witness in this case.

21 On April 10, 2012, Magistrate Judge Kenton ordered Newton's deposition be
22 taken in Monaco (but without the more cumbersome Hague Convention procedures)
23 on May 1, 2012, *regardless whether Newton remains a Plaintiff in this action.* (See
24 Dkt. No. 62.) In light of Judge Kenton's ruling, the Court finds that Defendants
25 would suffer no prejudice as a result of a complete substitution of the Helmut Newton
26 Foundation for June Newton as Plaintiff in this case. Newton's Motion is therefore
27 **GRANTED**. June Newton is **DISMISSED** as a party to this action, and the Helmut
28 Newton Foundation is hereby **SUBSTITUTED** as the sole Plaintiff in this action.

1 The April 23, 2012 hearing on this matter is **VACATED**, and no appearances are
2 necessary.

3 With respect to Defendants Norman Solomon; Art and Artifacts, Inc.; John
4 Dunnicliff; and Emage International Inc.'s request that the Court delay a full
5 substitution pending the completion of Newton's Deposition (Solomon Defs.' Supp'l
6 Br. 3), the parties are reminded that any further attempts by Newton to evade her
7 deposition will be in violation of a court order and would thus subject Newton to
8 sanctions.

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10 **IT IS SO ORDERED.**

11
12 April 16, 2012

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15 **HON. OTIS D. WRIGHT, II**
16 **UNITED STATES DISTRICT JUDGE**
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